THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.15654 of 2001

Between:

G.Krishnayya.

.. PETITIONER

and

The Government of Andhra Pradesh and others.

.. RESPONDENTS

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:

Heard the learned counsel appearing for the petitioner as well as the

learned Government Pleader appearing for the respondents.

It is the case of the petitioner that in the year 1993, the 2nd respondent filed a complaint stating that the lands admeasuring Ac.7-96 cents situated at Jeelugumilli Village and Mandal, West Godavari District, are in possession and enjoyment of one Shaik Subani, who is a non-tribal, and therefore, the said possession is in contravention of sub-section (1) of Section 3 of A.P.Scheduled Areas Land Transfer Regulation 1/59, as amended by Regulation 1/70. The Special Deputy Collector (Tribal Welfare), K.R.Puram, through order, dated 19-08-1993 in S.R.Nos.210 and 211 of 1993, dismissed the said complaint stating that as per the revenue records, the lands in question were assigned to one Abdul Gaffor and the petitioner herein and the said Shaik Subani, who was working as a Teacher, used to look after the lands in question.

Thereafter, on similar allegations, the 2nd respondent filed another complaint stating that the lands admeasuring Ac.7-96 cents situated at Jeelugumilli Village and Mandal, West Godavari District, are in possession and enjoyment of Shaik Subani, who is a non-tribal, and therefore, the said possession is in contravention of sub-section (1) of Section 3 of A.P.Scheduled Areas Land Transfer Regulation 1/59, as amended by Regulation 1/70. Accordingly, the Special Deputy Collector (Tribal Welfare), K.R.Puram, passed ejectment order on 26-06-2001 in S.R.No.162 of 2001 directing the 3rd respondent to take possession of the lands in question.

It is further stated that notice was issued to Shaik Subani only and no notice was issued to the petitioner. It is stated that he has not transferred the lands in question either by way of lease or in any other form in favour of Shaik Subani and, therefore, it cannot be said that Shaik Subani is in continuous

possession and enjoyment of the lands in question. Therefore, he questions the impugned order, dated 26-06-2001.

Admittedly, an appeal lies against the said order to the Agent to Government, West Godavari District. Therefore, without expressing any opinion as to the merits of the case, I am of the opinion that it is just and proper to permit the petitioner to file an appeal before the Agent to Government, West Godavari District.

Accordingly, the writ petition is disposed of permitting the petitioner to file an appeal before the Agent to Government, West Godavari District, within three weeks from the date of receipt of a copy of this order. If any such appeal is filed within three weeks from the date of receipt of a copy of this order, status-quo obtaining as on today shall be maintained by both the parties, pending disposal of the appeal. If the petitioner fails to file appeal within three weeks from the date of receipt of a copy of this order, it is open for the respondents to take possession of the lands in question. There shall be no order as to costs.

_____

03-08-2007

Prv